

AMENDED IN SENATE APRIL 5, 2010

**SENATE BILL**

**No. 1165**

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**Introduced by Senator Aanestad**

February 18, 2010

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An act to amend Section ~~12072~~ 12078 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 1165, as amended, Aanestad. Firearms.

*Existing law provides that a person who is a federal firearms licensee, as specified, may not deliver, sell, or transfer a firearm to a person in California who is a federal firearms licensee, as specified, unless, prior to delivery, the person intending to deliver, sell, or transfer the firearm obtains a verification number from the Department of Justice, as specified.*

*This bill would exempt from those requirements the sale, delivery, loan, or transfer of a firearm that is a curio or relic, as defined, by a firearms dealer to a federally licensed firearms collector, as specified.*

~~Existing law generally regulates firearms transfers by persons who are not licensed firearms dealers.~~

~~This bill would make a technical, nonsubstantive change to those provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     **SECTION 1.** *Section 12078 of the Penal Code is amended to*  
2     *read:*

1 12078. (a) (1) The waiting periods described in Sections 12071  
2 and 12072 shall not apply to the deliveries, transfers, or sales of  
3 firearms made to persons properly identified as full-time paid peace  
4 officers as defined in Chapter 4.5 (commencing with Section 830)  
5 of Title 3 of Part 2, provided that the peace officers are authorized  
6 by their employer to carry firearms while in the performance of  
7 their duties. Proper identification is defined as verifiable written  
8 certification from the head of the agency by which the purchaser  
9 or transferee is employed, identifying the purchaser or transferee  
10 as a peace officer who is authorized to carry firearms while in the  
11 performance of his or her duties, and authorizing the purchase or  
12 transfer. The certification shall be delivered to the dealer at the  
13 time of purchase or transfer and the purchaser or transferee shall  
14 identify himself or herself as the person authorized in the  
15 certification. The dealer shall keep the certification with the record  
16 of sale. On the date that the delivery, sale, or transfer is made, the  
17 dealer delivering the firearm shall transmit to the Department of  
18 Justice an electronic or telephonic report of the transaction as is  
19 indicated in subdivision (b) or (c) of Section 12077.

20 (2) Subdivision (b) of Section 12801 and the preceding  
21 provisions of this article do not apply to deliveries, transfers, or  
22 sales of firearms made to authorized law enforcement  
23 representatives of cities, counties, cities and counties, or state or  
24 federal governments for exclusive use by those governmental  
25 agencies if, prior to the delivery, transfer, or sale of these firearms,  
26 written authorization from the head of the agency authorizing the  
27 transaction is presented to the person from whom the purchase,  
28 delivery, or transfer is being made. Proper written authorization  
29 is defined as verifiable written certification from the head of the  
30 agency by which the purchaser or transferee is employed,  
31 identifying the employee as an individual authorized to conduct  
32 the transaction, and authorizing the transaction for the exclusive  
33 use of the agency by which he or she is employed. Within 10 days  
34 of the date a handgun is acquired by the agency, a record of the  
35 same shall be entered as an institutional weapon into the Automated  
36 Firearms System (AFS) via the California Law Enforcement  
37 Telecommunications System (CLETS) by the law enforcement or  
38 state agency. Those agencies without access to AFS shall arrange  
39 with the sheriff of the county in which the agency is located to  
40 input this information via this system.

1 (3) Subdivision (b) of Section 12801 and the preceding  
2 provisions of this article do not apply to the loan of a firearm made  
3 by an authorized law enforcement representative of a city, county,  
4 or city and county, or the state or federal government to a peace  
5 officer employed by that agency and authorized to carry a firearm  
6 for the carrying and use of that firearm by that peace officer in the  
7 course and scope of his or her duties.

8 (4) Subdivision (b) of Section 12801 and the preceding  
9 provisions of this article do not apply to the delivery, sale, or  
10 transfer of a firearm by a law enforcement agency to a peace officer  
11 pursuant to Section 10334 of the Public Contract Code. Within 10  
12 days of the date that a handgun is sold, delivered, or transferred  
13 pursuant to Section 10334 of the Public Contract Code to that  
14 peace officer, the name of the officer and the make, model, serial  
15 number, and other identifying characteristics of the firearm being  
16 sold, transferred, or delivered shall be entered into the Automated  
17 Firearms System (AFS) via the California Law Enforcement  
18 Telecommunications System (CLETS) by the law enforcement or  
19 state agency that sold, transferred, or delivered the firearm. Those  
20 agencies without access to AFS shall arrange with the sheriff of  
21 the county in which the agency is located to input this information  
22 via this system.

23 (5) Subdivision (b) of Section 12801 and the preceding  
24 provisions of this article do not apply to the delivery, sale, or  
25 transfer of a firearm by a law enforcement agency to a retiring  
26 peace officer who is authorized to carry a firearm pursuant to  
27 Section 12027.1. Within 10 days of the date that a handgun is sold,  
28 delivered, or transferred to that retiring peace officer, the name of  
29 the officer and the make, model, serial number, and other  
30 identifying characteristics of the firearm being sold, transferred,  
31 or delivered shall be entered into the Automated Firearms System  
32 (AFS) via the California Law Enforcement Telecommunications  
33 System (CLETS) by the law enforcement or state agency that sold,  
34 transferred, or delivered the firearm. Those agencies without access  
35 to AFS shall arrange with the sheriff of the county in which the  
36 agency is located to input this information via this system.

37 (6) Subdivision (d) of Section 12072 and subdivision (b) of  
38 Section 12801 do not apply to sales, deliveries, or transfers of  
39 firearms to authorized representatives of cities, cities and counties,  
40 counties, or state or federal governments for those governmental

1 agencies where the entity is acquiring the weapon as part of an  
2 authorized, voluntary program where the entity is buying or  
3 receiving weapons from private individuals. Any weapons acquired  
4 pursuant to this paragraph shall be disposed of pursuant to the  
5 applicable provisions of Section 12028 or 12032.

6 (7) Subdivision (d) of Section 12072 and subdivision (b) of  
7 Section 12801 shall not apply to the sale, loan, delivery, or transfer  
8 of a firearm made by an authorized law enforcement representative  
9 of a city, county, city and county, state, or the federal government  
10 to any public or private nonprofit historical society, museum, or  
11 institutional collection or the purchase or receipt of that firearm  
12 by that public or private nonprofit historical society, museum, or  
13 institutional collection if all of the following conditions are met:

14 (A) The entity receiving the firearm is open to the public.

15 (B) The firearm prior to delivery is deactivated or rendered  
16 inoperable.

17 (C) The firearm is not subject to Section 12028, 12028.5, 12030,  
18 or 12032.

19 (D) The firearm is not prohibited by other provisions of law  
20 from being sold, delivered, or transferred to the public at large.

21 (E) Prior to delivery, the entity receiving the firearm submits a  
22 written statement to the law enforcement representative stating  
23 that the firearm will not be restored to operating condition, and  
24 will either remain with that entity, or if subsequently disposed of,  
25 will be transferred in accordance with the applicable provisions  
26 of this article and, if applicable, Section 12801.

27 (F) Within 10 days of the date that the firearm is sold, loaned,  
28 delivered, or transferred to that entity, the name of the government  
29 entity delivering the firearm, and the make, model, serial number,  
30 and other identifying characteristics of the firearm and the name  
31 of the person authorized by the entity to take possession of the  
32 firearm shall be reported to the department in a manner prescribed  
33 by the department.

34 (G) In the event of a change in the status of the designated  
35 representative, the entity shall notify the department of a new  
36 representative within 30 days.

37 (8) Subdivision (d) of Section 12072 and subdivision (b) of  
38 Section 12801 shall not apply to the sale, loan, delivery, or transfer  
39 of a firearm made by any person other than a representative of an  
40 authorized law enforcement agency to any public or private

1 nonprofit historical society, museum, or institutional collection if  
2 all of the following conditions are met:

3 (A) The entity receiving the firearm is open to the public.

4 (B) The firearm is deactivated or rendered inoperable prior to  
5 delivery.

6 (C) The firearm is not of a type prohibited from being sold,  
7 delivered, or transferred to the public.

8 (D) Prior to delivery, the entity receiving the firearm submits a  
9 written statement to the person selling, loaning, or transferring the  
10 firearm stating that the firearm will not be restored to operating  
11 condition, and will either remain with that entity, or if subsequently  
12 disposed of, will be transferred in accordance with the applicable  
13 provisions of this article and, if applicable, Section 12801.

14 (E) If title to a handgun is being transferred to the public or  
15 private nonprofit historical society, museum, or institutional  
16 collection, then the designated representative of that public or  
17 private historical society, museum, or institutional collection,  
18 within 30 days of taking possession of that handgun, shall forward  
19 by prepaid mail or deliver in person to the Department of Justice,  
20 a single report signed by both parties to the transaction, that  
21 includes information identifying the person representing that public  
22 or private historical society, museum, or institutional collection,  
23 how title was obtained and from whom, and a description of the  
24 firearm in question, along with a copy of the written statement  
25 referred to in subparagraph (D). The report forms that are to be  
26 completed pursuant to this paragraph shall be provided by the  
27 Department of Justice.

28 (F) In the event of a change in the status of the designated  
29 representative, the entity shall notify the department of a new  
30 representative within 30 days.

31 (b) (1) Section 12071, subdivisions (c) and (d) of Section 12072,  
32 and subdivision (b) of Section 12801 shall not apply to deliveries,  
33 sales, or transfers of firearms between or to importers and  
34 manufacturers of firearms licensed to engage in that business  
35 pursuant to Chapter 44 (commencing with Section 921) of Title  
36 18 of the United States Code and the regulations issued pursuant  
37 thereto.

38 (2) Subdivision (b) of Section 12801 shall not apply to the  
39 delivery, sale, or transfer of a handgun to a person licensed pursuant  
40 to Section 12071, where the licensee is receiving the handgun in

1 the course and scope of his or her activities as a person licensed  
2 pursuant to Section 12071.

3 (c) (1) Subdivision (d) of Section 12072 shall not apply to the  
4 infrequent transfer of a firearm that is not a handgun by gift,  
5 bequest, intestate succession, or other means by one individual to  
6 another if both individuals are members of the same immediate  
7 family.

8 (2) Subdivision (d) of Section 12072 shall not apply to the  
9 infrequent transfer of a handgun by gift, bequest, intestate  
10 succession, or other means by one individual to another if both  
11 individuals are members of the same immediate family and all of  
12 the following conditions are met:

13 (A) The person to whom the firearm is transferred shall, within  
14 30 days of taking possession of the firearm, forward by prepaid  
15 mail or deliver in person to the Department of Justice, a report that  
16 includes information concerning the individual taking possession  
17 of the firearm, how title was obtained and from whom, and a  
18 description of the firearm in question. The report forms that  
19 individuals complete pursuant to this paragraph shall be provided  
20 to them by the Department of Justice.

21 (B) The person taking title to the firearm shall first obtain a  
22 handgun safety certificate.

23 (C) The person receiving the firearm is 18 years of age or older.

24 (3) As used in this subdivision, "immediate family member"  
25 means any one of the following relationships:

26 (A) Parent and child.

27 (B) Grandparent and grandchild.

28 (d) (1) Subdivision (d) of Section 12072 shall not apply to the  
29 infrequent loan of firearms between persons who are personally  
30 known to each other for any lawful purpose, if the loan does not  
31 exceed 30 days in duration and, when the firearm is a handgun,  
32 commencing January 1, 2003, the individual being loaned the  
33 handgun has a valid handgun safety certificate.

34 (2) Subdivision (d) of Section 12072, and subdivision (b) of  
35 Section 12801 shall not apply to the loan of a firearm where all of  
36 the following conditions exist:

37 (A) The person loaning the firearm is at all times within the  
38 presence of the person being loaned the firearm.

39 (B) The loan is for a lawful purpose.

40 (C) The loan does not exceed three days in duration.

1 (D) The individual receiving the firearm is not prohibited by  
2 state or federal law from possessing, receiving, owning, or  
3 purchasing a firearm.

4 (E) The person loaning the firearm is 18 years of age or older.

5 (F) The person being loaned the firearm is 18 years of age or  
6 older.

7 (e) (1) Section 12071, subdivisions (c) and (d) and paragraph  
8 (1) of subdivision (f) of Section 12072, and subdivision (b) of  
9 Section 12801 shall not apply to the delivery of a firearm to a  
10 gunsmith for service or repair, or to the return of the firearm to its  
11 owner by the gunsmith, or to the delivery of a firearm by a  
12 gunsmith to a person licensed pursuant to Chapter 44 (commencing  
13 with Section 921) of Title 18 of the United States Code for service  
14 or repair and the return of the firearm to the gunsmith.

15 (2) Paragraph (1) of subdivision (f) of Section 12072 shall not  
16 apply to the delivery, sale, or transfer of any firearm in any of the  
17 following circumstances:

18 (A) Where the transferor and the transferee are the same person  
19 or corporation.

20 (B) Where the transfer is to or from a person who has a valid  
21 entertainment firearms permit under Section 12081 and the transfer  
22 involves the loan or return of firearms used solely as props in  
23 television, film, or theatrical productions.

24 (f) Subdivision (d) of Section 12072 and subdivision (b) of  
25 Section 12801 shall not apply to the sale, delivery, or transfer of  
26 firearms by persons who reside in this state to persons who reside  
27 outside this state who are licensed pursuant to Chapter 44  
28 (commencing with Section 921) of Title 18 of the United States  
29 Code and the regulations issued pursuant thereto, if the sale,  
30 delivery, or transfer is in accordance with Chapter 44 (commencing  
31 with Section 921) of Title 18 of the United States Code and the  
32 regulations issued pursuant thereto.

33 (g) (1) Subdivision (d) of Section 12072 shall not apply to the  
34 infrequent sale or transfer of a firearm, other than a handgun, at  
35 auctions or similar events conducted by nonprofit mutual or public  
36 benefit corporations organized pursuant to the Corporations Code.

37 As used in this paragraph, the term “infrequent” shall not be  
38 construed to prohibit different local chapters of the same nonprofit  
39 corporation from conducting auctions or similar events, provided  
40 the individual local chapter conducts the auctions or similar events

1 infrequently. It is the intent of the Legislature that different local  
2 chapters, representing different localities, be entitled to invoke the  
3 exemption created by this paragraph, notwithstanding the frequency  
4 with which other chapters of the same nonprofit corporation may  
5 conduct auctions or similar events.

6 (2) Subdivision (d) of Section 12072 shall not apply to the  
7 transfer of a firearm other than a handgun, if the firearm is donated  
8 for an auction or similar event described in paragraph (1) and the  
9 firearm is delivered to the nonprofit corporation immediately  
10 preceding, or contemporaneous with, the auction or similar event.

11 (3) The waiting period described in Sections 12071 and 12072  
12 shall not apply to a dealer who delivers a firearm other than a  
13 handgun at an auction or similar event described in paragraph (1),  
14 as authorized by subparagraph (C) of paragraph (1) of subdivision  
15 (b) of Section 12071. Within two business days of completion of  
16 the application to purchase, the dealer shall forward by prepaid  
17 mail to the Department of Justice a report of the same as is  
18 indicated in subdivision (c) of Section 12077. If the electronic or  
19 telephonic transfer of applicant information is used, within two  
20 business days of completion of the application to purchase, the  
21 dealer delivering the firearm shall transmit to the Department of  
22 Justice an electronic or telephonic report of the same as is indicated  
23 in subdivision (c) of Section 12077.

24 (h) Subdivision (d) of Section 12072 and subdivision (b) of  
25 Section 12801 shall not apply to the loan of a firearm to a person  
26 18 years of age or older for the purposes of shooting at targets if  
27 the loan occurs on the premises of a target facility that holds a  
28 business or regulatory license or on the premises of any club or  
29 organization organized for the purposes of practicing shooting at  
30 targets upon established ranges, whether public or private, if the  
31 firearm is at all times kept within the premises of the target range  
32 or on the premises of the club or organization.

33 (i) (1) Subdivision (d) of Section 12072 shall not apply to a  
34 person who takes title or possession of a firearm that is not a  
35 handgun by operation of law if the person is not prohibited by state  
36 or federal law from possessing, receiving, owning, or purchasing  
37 a firearm.

38 (2) Subdivision (d) of Section 12072 shall not apply to a person  
39 who takes title or possession of a handgun by operation of law if  
40 the person is not prohibited by state or federal law from possessing,



1 receiving, owning, or purchasing a firearm and all of the following  
2 conditions are met:

3 (A) If the person taking title or possession is neither a levying  
4 officer as defined in Section 481.140, 511.060, or 680.210 of the  
5 Code of Civil Procedure, nor a person who is receiving that firearm  
6 pursuant to subparagraph (G), (I), or (J) of paragraph (2) of  
7 subdivision (u), the person shall, within 30 days of taking  
8 possession, forward by prepaid mail or deliver in person to the  
9 Department of Justice, a report of information concerning the  
10 individual taking possession of the firearm, how title or possession  
11 was obtained and from whom, and a description of the firearm in  
12 question. The reports that individuals complete pursuant to this  
13 paragraph shall be provided to them by the department.

14 (B) If the person taking title or possession is receiving the  
15 firearm pursuant to subparagraph (G) of paragraph (2) of  
16 subdivision (u), the person shall do both of the following:

17 (i) Within 30 days of taking possession, forward by prepaid  
18 mail or deliver in person to the department, a report of information  
19 concerning the individual taking possession of the firearm, how  
20 title or possession was obtained and from whom, and a description  
21 of the firearm in question. The reports that individuals complete  
22 pursuant to this paragraph shall be provided to them by the  
23 department.

24 (ii) Prior to taking title or possession of the firearm, the person  
25 shall obtain a handgun safety certificate.

26 (C) Where the person receiving title or possession of the  
27 handgun is a person described in subparagraph (I) of paragraph  
28 (2) of subdivision (u), on the date that the person is delivered the  
29 firearm, the name and other information concerning the person  
30 taking possession of the firearm, how title or possession of the  
31 firearm was obtained and from whom, and a description of the  
32 firearm by make, model, serial number, and other identifying  
33 characteristics shall be entered into the Automated Firearms System  
34 (AFS) via the California Law Enforcement Telecommunications  
35 System (CLETS) by the law enforcement or state agency that  
36 transferred or delivered the firearm. Those agencies without access  
37 to AFS shall arrange with the sheriff of the county in which the  
38 agency is located to input this information via this system.

39 (D) Where the person receiving title or possession of the  
40 handgun is a person described in subparagraph (J) of paragraph

(2) of subdivision (u), on the date that the person is delivered the firearm, the name and other information concerning the person taking possession of the firearm, how title or possession of the firearm was obtained and from whom, and a description of the firearm by make, model, serial number, and other identifying characteristics shall be entered into the AFS via the CLETS by the law enforcement or state agency that transferred or delivered the firearm. Those agencies without access to AFS shall arrange with the sheriff of the county in which the agency is located to input this information via this system. In addition, that law enforcement agency shall not deliver that handgun to the person referred to in this subparagraph unless, prior to the delivery of the same, the person presents proof to the agency that he or she is the holder of a handgun safety certificate.

(3) Subdivision (d) of Section 12072 shall not apply to a person who takes possession of a firearm by operation of law in a representative capacity who subsequently transfers ownership of the firearm to himself or herself in his or her individual capacity. In the case of a handgun, the individual shall obtain a handgun safety certificate prior to transferring ownership to himself or herself, or taking possession of a handgun in an individual capacity.

(j) Subdivision (d) of Section 12072 and subdivision (b) of Section 12801 shall not apply to deliveries, transfers, or returns of firearms made pursuant to Section 12021.3, 12028, 12028.5, or 12030.

(k) Section 12071, subdivision (c) of Section 12072, and subdivision (b) of Section 12801 shall not apply to any of the following:

(1) The delivery, sale, or transfer of unloaded firearms that are not handguns by a dealer to another dealer upon proof of compliance with the requirements of paragraph (1) of subdivision (f) of Section 12072.

(2) The delivery, sale, or transfer of unloaded firearms by dealers to persons who reside outside this state who are licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(3) The delivery, sale, or transfer of unloaded firearms to a wholesaler if the firearms are being returned to the wholesaler and are intended as merchandise in the wholesaler's business.

1 (4) The delivery, sale, or transfer of unloaded firearms by one  
2 dealer to another dealer if the firearms are intended as merchandise  
3 in the receiving dealer's business upon proof of compliance with  
4 the requirements of paragraph (1) of subdivision (f) of Section  
5 12072.

6 (5) The delivery, sale, or transfer of an unloaded firearm that is  
7 not a handgun by a dealer to himself or herself.

8 (6) The loan of an unloaded firearm by a dealer who also  
9 operates a target facility that holds a business or regulatory license  
10 on the premises of the building designated in the license or whose  
11 building designated in the license is on the premises of any club  
12 or organization organized for the purposes of practicing shooting  
13 at targets upon established ranges, whether public or private, to a  
14 person at that target facility or that club or organization, if the  
15 firearm is at all times kept within the premises of the target range  
16 or on the premises of the club or organization.

17 (l) A person who is exempt from subdivision (d) of Section  
18 12072 or is otherwise not required by law to report his or her  
19 acquisition, ownership, or disposal of a handgun or who moves  
20 out of this state with his or her handgun may submit a report of  
21 the same to the Department of Justice in a format prescribed by  
22 the department.

23 (m) Subdivision (d) of Section 12072 and subdivision (b) of  
24 Section 12801 shall not apply to the delivery, sale, or transfer of  
25 unloaded firearms to a wholesaler as merchandise in the  
26 wholesaler's business by manufacturers or importers licensed to  
27 engage in that business pursuant to Chapter 44 (commencing with  
28 Section 921) of Title 18 of the United States Code and the  
29 regulations issued pursuant thereto, or by another wholesaler, if  
30 the delivery, sale, or transfer is made in accordance with Chapter  
31 44 (commencing with Section 921) of Title 18 of the United States  
32 Code.

33 (n) (1) The waiting period described in Section 12071 or 12072  
34 shall not apply to the delivery, sale, or transfer of a handgun by a  
35 dealer in either of the following situations:

36 (A) The dealer is delivering the firearm to another dealer and  
37 it is not intended as merchandise in the receiving dealer's business.

38 (B) The dealer is delivering the firearm to himself or herself  
39 and it is not intended as merchandise in his or her business.

(2) In order for this subdivision to apply, both of the following shall occur:

(A) If the dealer is receiving the firearm from another dealer, the dealer receiving the firearm shall present proof to the dealer delivering the firearm that he or she is licensed pursuant to Section 12071 by complying with paragraph (1) of subdivision (f) of Section 12072.

(B) Whether the dealer is delivering, selling, or transferring the firearm to himself or herself or to another dealer, on the date that the application to purchase is completed, the dealer delivering the firearm shall forward by prepaid mail to the Department of Justice a report of the same and the type of information concerning the purchaser or transferee as is indicated in subdivision (b) of Section 12077. Where the electronic or telephonic transfer of applicant information is used, on the date that the application to purchase is completed, the dealer delivering the firearm shall transmit an electronic or telephonic report of the same and the type of information concerning the purchaser or transferee as is indicated in subdivision (b) of Section 12077.

(o) Section 12071 and subdivisions (c) and (d) of Section 12072 shall not apply to the delivery, sale, or transfer of a firearm regulated pursuant to Section 12020, Chapter 2 (commencing with Section 12200), Chapter 2.3 (commencing with Section 12275), or Chapter 2.5 (commencing with Section 12301), if the delivery, sale, or transfer of that firearm is conducted in accordance with the applicable provisions of Section 12020, Chapter 2 (commencing with Section 12200), Chapter 2.3 (commencing with Section 12275), or Chapter 2.5 (commencing with Section 12301).

(p) (1) Paragraph (3) of subdivision (a) and subdivision (d) of Section 12072 shall not apply to the loan of a firearm that is not a handgun to a minor, with the express permission of the parent or legal guardian of the minor, if the loan does not exceed 30 days in duration and is for a lawful purpose.

(2) Paragraph (3) of subdivision (a) of Section 12072, subdivision (d) of Section 12072, and subdivision (b) of Section 12801 shall not apply to the loan of a handgun to a minor by a person who is not the parent or legal guardian of the minor if all of the following circumstances exist:

(A) The minor has the written consent of his or her parent or legal guardian that is presented at the time of, or prior to the time

1 of, the loan, or is accompanied by his or her parent or legal  
2 guardian at the time the loan is made.

3 (B) The minor is being loaned the firearm for the purpose of  
4 engaging in a lawful, recreational sport, including, but not limited  
5 to, competitive shooting, or agricultural, ranching, or hunting  
6 activity, or a motion picture, television, or video production, or  
7 entertainment or theatrical event, the nature of which involves the  
8 use of a firearm.

9 (C) The duration of the loan does not exceed the amount of time  
10 that is reasonably necessary to engage in the lawful, recreational  
11 sport, including, but not limited to, competitive shooting, or  
12 agricultural, ranching, or hunting activity, or a motion picture,  
13 television, or video production, or entertainment or theatrical event,  
14 the nature of which involves the use of a firearm.

15 (D) The duration of the loan does not, in any event, exceed 10  
16 days.

17 (3) Paragraph (3) of subdivision (a), and subdivision (d), of  
18 Section 12072, and subdivision (b) of Section 12801 shall not  
19 apply to the loan of a handgun to a minor by his or her parent or  
20 legal guardian if both of the following circumstances exist:

21 (A) The minor is being loaned the firearm for the purposes of  
22 engaging in a lawful, recreational sport, including, but not limited  
23 to, competitive shooting, or agricultural, ranching, or hunting  
24 activity, or a motion picture, television, or video production, or  
25 entertainment or theatrical event, the nature of which involves the  
26 use of a firearm.

27 (B) The duration of the loan does not exceed the amount of time  
28 that is reasonably necessary to engage in the lawful, recreational  
29 sport, including, but not limited to, competitive shooting, or  
30 agricultural, ranching, or hunting activity, or a motion picture,  
31 television, or video production, or entertainment or theatrical event,  
32 the nature of which involves the use of a firearm.

33 (4) Paragraph (3) of subdivision (a), and subdivision (d), of  
34 Section 12072 shall not apply to the transfer or loan of a firearm  
35 that is not a handgun to a minor by his or her parent or legal  
36 guardian.

37 (5) Paragraph (3) of subdivision (a), and subdivision (d), of  
38 Section 12072 shall not apply to the transfer or loan of a firearm  
39 that is not a handgun to a minor by his or her grandparent who is

1 not the legal guardian of the minor if the transfer is done with the  
2 express permission of the parent or legal guardian of the minor.

3 (6) Subparagraph (A) of paragraph (3) of subdivision (a) of  
4 Section 12072 shall not apply to the sale of a handgun if both of  
5 the following requirements are satisfied:

6 (A) The sale is to a person who is at least 18 years of age.

7 (B) The firearm is an antique firearm as defined in paragraph  
8 (16) of subsection (a) of Section 921 of Title 18 of the United  
9 States Code.

10 (q) Subdivision (d) of Section 12072 shall not apply to the loan  
11 of a firearm that is not a handgun to a licensed hunter for use by  
12 that licensed hunter for a period of time not to exceed the duration  
13 of the hunting season for which that firearm is to be used.

14 (r) The waiting period described in Section 12071 or 12072  
15 shall not apply to the delivery, sale, or transfer of a firearm to the  
16 holder of a special weapons permit issued by the Department of  
17 Justice issued pursuant to Section 12095, 12230, 12250, or 12305.  
18 On the date that the application to purchase is completed, the dealer  
19 delivering the firearm shall transmit to the Department of Justice  
20 an electronic or telephonic report of the same as is indicated in  
21 subdivision (b) or (c) of Section 12077.

22 (s) (1) Subdivision (d) of Section 12072 and subdivision (b) of  
23 Section 12801 shall not apply to the infrequent loan of an unloaded  
24 firearm by a person who is neither a dealer as defined in Section  
25 12071 nor a federal firearms licensee pursuant to Chapter 44  
26 (commencing with Section 921) of Title 18 of the United States  
27 Code, to a person 18 years of age or older for use solely as a prop  
28 in a motion picture, television, video, theatrical, or other  
29 entertainment production or event.

30 (2) Subdivision (d), and paragraph (1) of subdivision (f), of  
31 Section 12072, and subdivision (b) of Section 12801 shall not  
32 apply to the loan of an unloaded firearm by a person who is not a  
33 dealer as defined in Section 12071 but who is a federal firearms  
34 licensee pursuant to Chapter 44 (commencing with Section 921)  
35 of Title 18 of the United States Code, to a person who possesses  
36 a valid entertainment firearms permit issued pursuant to Section  
37 12081, for use solely as a prop in a motion picture, television,  
38 video, theatrical, or other entertainment production or event. The  
39 person loaning the firearm pursuant to this paragraph shall retain

1 a photocopy of the entertainment firearms permit as proof of  
2 compliance with this requirement.

3 (3) Subdivision (b) of Section 12071, subdivision (c) of, and  
4 paragraph (1) of subdivision (f) of, Section 12072, and subdivision  
5 (b) of Section 12801 shall not apply to the loan of an unloaded  
6 firearm by a dealer as defined in Section 12071, to a person who  
7 possesses a valid entertainment firearms permit issued pursuant  
8 to Section 12081, for use solely as a prop in a motion picture,  
9 television, video, theatrical, or other entertainment production or  
10 event. The dealer shall retain a photocopy of the entertainment  
11 firearms permit as proof of compliance with this requirement.

12 (4) Subdivision (b) of Section 12071, subdivision (c) and  
13 paragraph (1) of subdivision (f) of Section 12072, and subdivision  
14 (b) of Section 12801 shall not apply to the loan of an unloaded  
15 firearm to a consultant-evaluator by a person licensed pursuant to  
16 Section 12071 if the loan does not exceed 45 days from the date  
17 of delivery. At the time of the loan, the consultant-evaluator shall  
18 provide the following information, which the dealer shall retain  
19 for two years:

20 (A) A photocopy of a valid, current, government-issued  
21 identification to determine the consultant-evaluator's identity,  
22 including, but not limited to, a California driver's license,  
23 identification card, or passport.

24 (B) A photocopy of the consultant-evaluator's valid, current  
25 certificate of eligibility.

26 (C) A letter from the person licensed as an importer,  
27 manufacturer, or dealer pursuant to Chapter 44 (commencing with  
28 Section 921) of Title 18 of the United States Code, with whom the  
29 consultant-evaluator has a bona fide business relationship. The  
30 letter shall detail the bona fide business purposes for which the  
31 firearm is being loaned and confirm that the consultant-evaluator  
32 is being loaned the firearm as part of a bona fide business  
33 relationship.

34 (D) The signature of the consultant-evaluator on a form  
35 indicating the date the firearm is loaned and the last day the firearm  
36 may be returned.

37 (t) (1) The waiting periods described in Sections 12071 and  
38 12072 shall not apply to the sale, delivery, loan, or transfer of a  
39 firearm that is a curio or relic, as defined in Section 478.11 of Title  
40 27 of the Code of Federal Regulations, or its successor, by a dealer

1 to a person who is licensed as a collector pursuant to Chapter 44  
2 (commencing with Section 921) of Title 18 of the United States  
3 Code and the regulations issued pursuant thereto who has a current  
4 certificate of eligibility issued to him or her by the Department of  
5 Justice pursuant to Section 12071. On the date that the delivery,  
6 sale, or transfer is made, the dealer delivering the firearm shall  
7 transmit to the Department of Justice an electronic or telephonic  
8 report of the transaction as is indicated in subdivision (b) or (c) of  
9 Section 12077.

10 (2) Subdivision (d) and paragraph (1) of subdivision (f) of  
11 Section 12072 shall not apply to the infrequent sale, loan, or  
12 transfer of a firearm that is not a handgun, which is a curio or relic  
13 manufactured at least 50 years prior to the current date, but not  
14 including replicas thereof, as defined in Section 478.11 of Title  
15 27 of the Code of Federal Regulations, or its successor.

16 (3) *Paragraph (1) of subdivision (f) of Section 12072 shall not*  
17 *apply to the sale, delivery, loan, or transfer of a firearm that is a*  
18 *curio or relic, as defined in Section 478.11 of Title 27 of the Code*  
19 *of Federal Regulations, or its successor, by a dealer to a person*  
20 *who is licensed as a collector pursuant to Chapter 44 (commencing*  
21 *with Section 921) of Title 18 of the United States Code and the*  
22 *regulations issued thereto who has a current certificate of*  
23 *eligibility issued pursuant to Section 12071.*

24 (u) As used in this section:

25 (1) “Infrequent” has the same meaning as in paragraph (1) of  
26 subdivision (c) of Section 12070.

27 (2) “A person taking title or possession of firearms by operation  
28 of law” includes, but is not limited to, any of the following  
29 instances wherein an individual receives title to, or possession of,  
30 firearms:

31 (A) The executor or administrator of an estate if the estate  
32 includes firearms.

33 (B) A secured creditor or an agent or employee thereof when  
34 the firearms are possessed as collateral for, or as a result of, a  
35 default under a security agreement under the Commercial Code.

36 (C) A levying officer, as defined in Section 481.140, 511.060,  
37 or 680.260 of the Code of Civil Procedure.

38 (D) A receiver performing his or her functions as a receiver if  
39 the receivership estate includes firearms.



1 (E) A trustee in bankruptcy performing his or her duties if the  
2 bankruptcy estate includes firearms.

3 (F) An assignee for the benefit of creditors performing his or  
4 her functions as an assignee, if the assignment includes firearms.

5 (G) A transmutation of property consisting of firearms pursuant  
6 to Section 850 of the Family Code.

7 (H) Firearms passing to a surviving spouse pursuant to Chapter  
8 1 (commencing with Section 13500) of Part 2 of Division 8 of the  
9 Probate Code.

10 (I) Firearms received by the family of a police officer or deputy  
11 sheriff from a local agency pursuant to Section 50081 of the  
12 Government Code.

13 (J) The transfer of a firearm by a law enforcement agency to  
14 the person who found the firearm where the delivery is to the  
15 person as the finder of the firearm pursuant to Article 1  
16 (commencing with Section 2080) of Chapter 4 of Division 3 of  
17 the Civil Code.

18 ~~SECTION 1. Section 12072 of the Penal Code is amended to~~  
19 ~~read:~~

20 ~~12072. (a) (1) No person, corporation, or firm shall knowingly~~  
21 ~~supply, deliver, sell, or give possession or control of a firearm to~~  
22 ~~any person within any of the classes prohibited by Section 12021~~  
23 ~~or 12021.1.~~

24 ~~(2) No person, corporation, or dealer shall sell, supply, deliver,~~  
25 ~~or give possession or control of a firearm to any person whom he~~  
26 ~~or she has cause to believe to be within any of the classes~~  
27 ~~prohibited by Section 12021 or 12021.1 of this code or Section~~  
28 ~~8100 or 8103 of the Welfare and Institutions Code.~~

29 ~~(3) (A) No person, corporation, or firm shall sell, loan, or~~  
30 ~~transfer a firearm to a minor, nor sell a handgun to an individual~~  
31 ~~under 21 years of age.~~

32 ~~(B) Subparagraph (A) shall not apply to or affect those~~  
33 ~~circumstances set forth in subdivision (p) of Section 12078.~~

34 ~~(4) No person, corporation, or dealer shall sell, loan, or transfer~~  
35 ~~a firearm to any person whom he or she knows or has cause to~~  
36 ~~believe is not the actual purchaser or transferee of the firearm, or~~  
37 ~~to any person who is not the person actually being loaned the~~  
38 ~~firearm, if the person, corporation, or dealer has either of the~~  
39 ~~following:~~

1     ~~(A) Knowledge that the firearm is to be subsequently loaned,~~  
2     ~~sold, or transferred to avoid the provisions of subdivision (c) or~~  
3     ~~(d).~~

4     ~~(B) Knowledge that the firearm is to be subsequently loaned,~~  
5     ~~sold, or transferred to avoid the requirements of any exemption to~~  
6     ~~the provisions of subdivision (c) or (d).~~

7     ~~(5) No person, corporation, or dealer shall acquire a firearm for~~  
8     ~~the purpose of selling, transferring, or loaning the firearm, if the~~  
9     ~~person, corporation, or dealer has either of the following:~~

10    ~~(A) In the case of a dealer, intent to violate subdivision (b) or~~  
11    ~~(c).~~

12    ~~(B) In any other case, intent to avoid either of the following:~~

13    ~~(i) The provisions of subdivision (d).~~

14    ~~(ii) The requirements of any exemption to the provisions of~~  
15    ~~subdivision (d).~~

16    ~~(6) The dealer shall comply with the provisions of paragraph~~  
17    ~~(18) of subdivision (b) of Section 12071.~~

18    ~~(7) The dealer shall comply with the provisions of paragraph~~  
19    ~~(19) of subdivision (b) of Section 12071.~~

20    ~~(8) No person shall sell or otherwise transfer his or her~~  
21    ~~ownership in a handgun unless the firearm bears either:~~

22    ~~(A) The name of the manufacturer, the manufacturer's make or~~  
23    ~~model, and a manufacturer's serial number assigned to that firearm.~~

24    ~~(B) The identification number or mark assigned to the firearm~~  
25    ~~by the Department of Justice pursuant to Section 12092.~~

26    ~~(9) (A) No person shall make an application to purchase more~~  
27    ~~than one handgun within any 30-day period.~~

28    ~~(B) Subparagraph (A) shall not apply to any of the following:~~

29    ~~(i) Any law enforcement agency.~~

30    ~~(ii) Any agency duly authorized to perform law enforcement~~  
31    ~~duties.~~

32    ~~(iii) Any state or local correctional facility.~~

33    ~~(iv) Any private security company licensed to do business in~~  
34    ~~California.~~

35    ~~(v) Any person who is properly identified as a full-time paid~~  
36    ~~peace officer, as defined in Chapter 4.5 (commencing with Section~~  
37    ~~830) of Title 3 of Part 2, and who is authorized to, and does carry~~  
38    ~~a firearm during the course and scope of his or her employment~~  
39    ~~as a peace officer.~~

1     ~~(vi) Any motion picture, television, or video production~~  
2     ~~company or entertainment or theatrical company whose production~~  
3     ~~by its nature involves the use of a firearm.~~

4     ~~(vii) Any person who may, pursuant to Section 12078, claim~~  
5     ~~an exemption from the waiting period set forth in subdivision (c)~~  
6     ~~of this section.~~

7     ~~(viii) Any transaction conducted through a licensed firearms~~  
8     ~~dealer pursuant to Section 12082.~~

9     ~~(ix) Any person who is licensed as a collector pursuant to~~  
10    ~~Chapter 44 (commencing with Section 921) of Title 18 of the~~  
11    ~~United States Code and the regulations issued pursuant thereto~~  
12    ~~and who has a current certificate of eligibility issued to him or her~~  
13    ~~by the Department of Justice pursuant to Section 12071.~~

14    ~~(x) The exchange of a handgun where the dealer purchased that~~  
15    ~~firearm from the person seeking the exchange within the 30-day~~  
16    ~~period immediately preceding the date of exchange or replacement.~~

17    ~~(xi) The replacement of a handgun when the person's handgun~~  
18    ~~was lost or stolen, and the person reported that firearm lost or~~  
19    ~~stolen prior to the completion of the application to purchase to any~~  
20    ~~local law enforcement agency of the city, county, or city and county~~  
21    ~~in which he or she resides.~~

22    ~~(xii) The return of any handgun to its owner.~~

23    ~~(xiii) Community colleges that are certified by the Commission~~  
24    ~~on Peace Officer Standards and Training to present the law~~  
25    ~~enforcement academy basic course or other commission-certified~~  
26    ~~law enforcement training.~~

27    ~~(b) No person licensed under Section 12071 shall supply, sell,~~  
28    ~~deliver, or give possession or control of a handgun to any person~~  
29    ~~under the age of 21 years or any other firearm to a person under~~  
30    ~~the age of 18 years.~~

31    ~~(c) No dealer, whether or not acting pursuant to Section 12082,~~  
32    ~~shall deliver a firearm to a person, as follows:~~

33    ~~(1) Within 10 days of the application to purchase, or, after notice~~  
34    ~~by the department pursuant to subdivision (d) of Section 12076,~~  
35    ~~within 10 days of the submission to the department of any~~  
36    ~~correction to the application, or within 10 days of the submission~~  
37    ~~to the department of any fee required pursuant to subdivision (e)~~  
38    ~~of Section 12076, whichever is later.~~

39    ~~(2) Unless unloaded and securely wrapped or unloaded and in~~  
40    ~~a locked container.~~

1     ~~(3) Unless the purchaser, transferee, or person being loaned the~~  
2     ~~firearm presents clear evidence of his or her identity and age, as~~  
3     ~~defined in Section 12071, to the dealer.~~

4     ~~(4) Whenever the dealer is notified by the Department of Justice~~  
5     ~~that the person is prohibited by state or federal law from possessing,~~  
6     ~~receiving, owning, or purchasing a firearm.~~

7     ~~(5) (A) Commencing April 1, 1994, and until January 1, 2003,~~  
8     ~~no handgun shall be delivered unless the purchaser, transferee, or~~  
9     ~~person being loaned the firearm presents to the dealer a basic~~  
10    ~~firearms safety certificate.~~

11    ~~(B) Commencing January 1, 2003, no handgun shall be delivered~~  
12    ~~unless the purchaser, transferee, or person being loaned the~~  
13    ~~handgun presents a handgun safety certificate to the dealer.~~

14    ~~(6) No handgun shall be delivered whenever the dealer is~~  
15    ~~notified by the Department of Justice that within the preceding~~  
16    ~~30-day period the purchaser has made another application to~~  
17    ~~purchase a handgun and that the previous application to purchase~~  
18    ~~involved none of the entities specified in subparagraph (B) of~~  
19    ~~paragraph (9) of subdivision (a).~~

20    ~~(d) Where neither party to the transaction holds a dealer's license~~  
21    ~~issued pursuant to Section 12071, the parties to the transaction~~  
22    ~~shall complete the sale, loan, or transfer of that firearm through a~~  
23    ~~licensed firearms dealer pursuant to Section 12082.~~

24    ~~(e) No person may commit an act of collusion relating to Article~~  
25    ~~8 (commencing with Section 12800) of Chapter 6. For purposes~~  
26    ~~of this section and Section 12071, collusion may be proven by any~~  
27    ~~one of the following factors:~~

28    ~~(1) Answering a test applicant's questions during an objective~~  
29    ~~test relating to firearms safety.~~

30    ~~(2) Knowingly grading the examination falsely.~~

31    ~~(3) Providing an advance copy of the test to an applicant.~~

32    ~~(4) Taking or allowing another person to take the basic firearms~~  
33    ~~safety course for one who is the applicant for a basic firearms~~  
34    ~~safety certificate or a handgun safety certificate.~~

35    ~~(5) Allowing another to take the objective test for the applicant,~~  
36    ~~purchaser, or transferee.~~

37    ~~(6) Using or allowing another to use one's identification, proof~~  
38    ~~of residency, or thumbprint.~~

39    ~~(7) Allowing others to give unauthorized assistance during the~~  
40    ~~examination.~~

1     ~~(8) Reference to unauthorized materials during the examination~~  
2     ~~and cheating by the applicant.~~

3     ~~(9) Providing originals or photocopies of the objective test, or~~  
4     ~~any version thereof, to any person other than as authorized by the~~  
5     ~~department.~~

6     ~~(f) (1) (A) Commencing July 1, 2008, a person who is licensed~~  
7     ~~pursuant to Chapter 44 (commencing with Section 921) of Title~~  
8     ~~18 of the United States Code may not deliver, sell, or transfer a~~  
9     ~~firearm to a person in California who is licensed pursuant to~~  
10    ~~Chapter 44 (commencing with Section 921) of Title 18 of the~~  
11    ~~United States Code unless, prior to delivery, the person intending~~  
12    ~~to deliver, sell, or transfer the firearm obtains a verification number~~  
13    ~~via the Internet for the intended delivery, sale, or transfer, from~~  
14    ~~the department. If Internet service is unavailable to either the~~  
15    ~~department or the licensee due to a technical or other malfunction,~~  
16    ~~or a federal firearms licensee who is located outside of California~~  
17    ~~does not possess a computer or have Internet access, alternate~~  
18    ~~means of communication, including facsimile or telephone, shall~~  
19    ~~be made available for a licensee to obtain a verification number~~  
20    ~~in order to comply with this section.~~

21    ~~(B) For every verification number request received pursuant to~~  
22    ~~this section, the department shall determine whether the intended~~  
23    ~~recipient is on the centralized list of firearms dealers pursuant to~~  
24    ~~this section, or the centralized list of exempted federal firearms~~  
25    ~~licensees pursuant to subdivision (a) of Section 12083, or the~~  
26    ~~centralized list of firearms manufacturers pursuant to subdivision~~  
27    ~~(f) of Section 12086.~~

28    ~~(C) If the department finds after the reviews specified in~~  
29    ~~subparagraph (B) that the intended recipient is authorized to receive~~  
30    ~~the firearm shipment, the department shall issue to the inquiring~~  
31    ~~party a unique verification number for the intended delivery, sale,~~  
32    ~~or transfer. One verification number shall be issued for each~~  
33    ~~delivery, sale, or transfer, which may involve multiple firearms.~~  
34    ~~In addition to the unique verification number, the department may~~  
35    ~~provide to the inquiring party information necessary for~~  
36    ~~determining the eligibility of the intended recipient to receive the~~  
37    ~~firearm. The person intending to deliver, sell, or transfer the firearm~~  
38    ~~shall provide the unique verification number to the recipient along~~  
39    ~~with the firearm upon delivery, in a manner to be determined by~~  
40    ~~the department.~~

1     ~~(D) If the department finds after the reviews specified in~~  
2     ~~subparagraph (B) that the intended recipient is not authorized to~~  
3     ~~receive the firearm shipment, the department shall notify the~~  
4     ~~inquiring party that the intended recipient is ineligible to receive~~  
5     ~~the shipment.~~

6     ~~(E) The department shall prescribe the manner in which the~~  
7     ~~verification numbers may be requested via the Internet, or by~~  
8     ~~alternate means of communication, such as by facsimile or~~  
9     ~~telephone, including all required enrollment information and~~  
10    ~~procedures.~~

11    ~~(2) (A) On or after January 1, 1998, within 60 days of bringing~~  
12    ~~a handgun into this state, a personal handgun importer shall do~~  
13    ~~one of the following:~~

14    ~~(i) Forward by prepaid mail or deliver in person to the~~  
15    ~~Department of Justice, a report prescribed by the department~~  
16    ~~including information concerning that individual and a description~~  
17    ~~of the firearm in question.~~

18    ~~(ii) Sell or transfer the firearm in accordance with the provisions~~  
19    ~~of subdivision (d) or in accordance with the provisions of an~~  
20    ~~exemption from subdivision (d).~~

21    ~~(iii) Sell or transfer the firearm to a dealer licensed pursuant to~~  
22    ~~Section 12071.~~

23    ~~(iv) Sell or transfer the firearm to a sheriff or police department.~~

24    ~~(B) If the personal handgun importer sells or transfers the~~  
25    ~~handgun pursuant to subdivision (d) of Section 12072 and the sale~~  
26    ~~or transfer cannot be completed by the dealer to the purchaser or~~  
27    ~~transferee, and the firearm can be returned to the personal handgun~~  
28    ~~importer, the personal handgun importer shall have complied with~~  
29    ~~the provisions of this paragraph.~~

30    ~~(C) The provisions of this paragraph are cumulative and shall~~  
31    ~~not be construed as restricting the application of any other law.~~  
32    ~~However, an act or omission punishable in different ways by this~~  
33    ~~section and different provisions of the Penal Code shall not be~~  
34    ~~punished under more than one provision.~~

35    ~~(D) (i) On and after January 1, 1998, the department shall~~  
36    ~~conduct a public education and notification program regarding this~~  
37    ~~paragraph to ensure a high degree of publicity of the provisions~~  
38    ~~of this paragraph.~~

1     (ii) ~~As part of the public education and notification program~~  
2 ~~described in this subparagraph, the department shall do all of the~~  
3 ~~following:~~

4     (I) ~~Work in conjunction with the Department of Motor Vehicles~~  
5 ~~to ensure that any person who is subject to this paragraph is advised~~  
6 ~~of the provisions of this paragraph, and provided with blank copies~~  
7 ~~of the report described in clause (i) of subparagraph (A) at the time~~  
8 ~~that person applies for a California driver's license or registers his~~  
9 ~~or her motor vehicle in accordance with the Vehicle Code.~~

10    (II) ~~Make the reports referred to in clause (i) of subparagraph~~  
11 ~~(A) available to dealers licensed pursuant to Section 12071.~~

12    (III) ~~Make the reports referred to in clause (i) of subparagraph~~  
13 ~~(A) available to law enforcement agencies.~~

14    (IV) ~~Make persons subject to the provisions of this paragraph~~  
15 ~~aware of the fact that reports referred to in clause (i) of~~  
16 ~~subparagraph (A) may be completed at either the licensed premises~~  
17 ~~of dealers licensed pursuant to Section 12071 or at law enforcement~~  
18 ~~agencies, that it is advisable to do so for the sake of accuracy and~~  
19 ~~completeness of the reports, that prior to transporting a handgun~~  
20 ~~to a law enforcement agency in order to comply with subparagraph~~  
21 ~~(A), the person should give prior notice to the law enforcement~~  
22 ~~agency that he or she is doing so, and that in any event, the handgun~~  
23 ~~should be transported unloaded and in a locked container.~~

24    (iii) ~~Any costs incurred by the department to implement this~~  
25 ~~paragraph shall be absorbed by the department within its existing~~  
26 ~~budget and the fees in the Dealers' Record of Sale Special Account~~  
27 ~~allocated for implementation of this subparagraph pursuant to~~  
28 ~~Section 12076.~~

29    (3) ~~Where a person who is licensed as a collector pursuant to~~  
30 ~~Chapter 44 (commencing with Section 921) of Title 18 of the~~  
31 ~~United States Code and the regulations issued pursuant thereto,~~  
32 ~~whose licensed premises are within this state, acquires a handgun~~  
33 ~~that is a curio or relic, as defined in Section 478.11 of Title 27 of~~  
34 ~~the Code of Federal Regulations, outside of this state, takes actual~~  
35 ~~possession of that firearm outside of this state pursuant to the~~  
36 ~~provisions of subsection (j) of Section 923 of Title 18 of the United~~  
37 ~~States Code, as amended by Public Law 104-208, and transports~~  
38 ~~that firearm into this state, within five days of that licensed~~  
39 ~~collector transporting that firearm into this state, he or she shall~~

1 report to the department in a format prescribed by the department  
2 his or her acquisition of that firearm.

3 ~~(4) (A) It is the intent of the Legislature that a violation of~~  
4 ~~paragraph (2) or (3) shall not constitute a “continuing offense” and~~  
5 ~~the statute of limitations for commencing a prosecution for a~~  
6 ~~violation of paragraph (2) or (3) commences on the date that the~~  
7 ~~applicable grace period specified in paragraph (2) or (3) expires.~~

8 ~~(B) Paragraphs (2) and (3) shall not apply to a person who~~  
9 ~~reports his or her ownership of a handgun after the applicable grace~~  
10 ~~period specified in paragraph (2) or (3) expires if evidence of that~~  
11 ~~violation arises only as the result of the person submitting the~~  
12 ~~report described in paragraph (2) or (3).~~

13 ~~(g) (1) Except as provided in paragraph (2), (3), or (5), a~~  
14 ~~violation of this section is a misdemeanor.~~

15 ~~(2) If any of the following circumstances apply, a violation of~~  
16 ~~this section is punishable by imprisonment in the state prison for~~  
17 ~~two, three, or four years.~~

18 ~~(A) If the violation is of paragraph (1) of subdivision (a).~~

19 ~~(B) If the defendant has a prior conviction of violating the~~  
20 ~~provisions, other than paragraph (9) of subdivision (a), of this~~  
21 ~~section or former Section 12100 of this code or Section 8101 of~~  
22 ~~the Welfare and Institutions Code.~~

23 ~~(C) If the defendant has a prior conviction of violating any~~  
24 ~~offense specified in subdivision (b) of Section 12021.1 or of a~~  
25 ~~violation of Section 12020, 12220, or 12520, or of former Section~~  
26 ~~12560.~~

27 ~~(D) If the defendant is in a prohibited class described in Section~~  
28 ~~12021 or 12021.1 of this code or Section 8100 or 8103 of the~~  
29 ~~Welfare and Institutions Code.~~

30 ~~(E) A violation of this section by a person who actively~~  
31 ~~participates in a “criminal street gang” as defined in Section 186.22.~~

32 ~~(F) A violation of subdivision (b) involving the delivery of any~~  
33 ~~firearm to a person who the dealer knows, or should know, is a~~  
34 ~~minor.~~

35 ~~(3) If any of the following circumstances apply, a violation of~~  
36 ~~this section shall be punished by imprisonment in a county jail not~~  
37 ~~exceeding one year or in the state prison, or by a fine not to exceed~~  
38 ~~one thousand dollars (\$1,000), or by both that fine and~~  
39 ~~imprisonment.~~

40 ~~(A) A violation of paragraph (2), (4), or (5) of subdivision (a).~~



1 ~~(B) A violation of paragraph (3) of subdivision (a) involving~~  
2 ~~the sale, loan, or transfer of a handgun to a minor.~~

3 ~~(C) A violation of subdivision (b) involving the delivery of a~~  
4 ~~handgun.~~

5 ~~(D) A violation of paragraph (1), (3), (4), (5), or (6) of~~  
6 ~~subdivision (c) involving a handgun.~~

7 ~~(E) A violation of subdivision (d) involving a handgun.~~

8 ~~(F) A violation of subdivision (e).~~

9 ~~(4) If both of the following circumstances apply, an additional~~  
10 ~~term of imprisonment in the state prison for one, two, or three~~  
11 ~~years shall be imposed in addition and consecutive to the sentence~~  
12 ~~prescribed.~~

13 ~~(A) A violation of paragraph (2) of subdivision (a) or subdivision~~  
14 ~~(b).~~

15 ~~(B) The firearm transferred in violation of paragraph (2) of~~  
16 ~~subdivision (a) or subdivision (b) is used in the subsequent~~  
17 ~~commission of a felony for which a conviction is obtained and the~~  
18 ~~prescribed sentence is imposed.~~

19 ~~(5) (A) A first violation of paragraph (9) of subdivision (a) is~~  
20 ~~an infraction punishable by a fine of fifty dollars (\$50).~~

21 ~~(B) A second violation of paragraph (9) of subdivision (a) is an~~  
22 ~~infraction punishable by a fine of one hundred dollars (\$100).~~

23 ~~(C) A third or subsequent violation of paragraph (9) of~~  
24 ~~subdivision (a) is a misdemeanor.~~

25 ~~(D) For purposes of this paragraph each application to purchase~~  
26 ~~a handgun in violation of paragraph (9) of subdivision (a) shall be~~  
27 ~~deemed a separate offense.~~